

**REMARKS**

Claims 1–20 and 31–44 were pending for examination in the just prior Office Action, with claims 1–30 and 34–37 having been withdrawn from consideration. Those withdrawn claims have been cancelled in this paper, leaving claims 31–33 and 40–44 now pending for examination. Claims 31, 32, and 40 are amended in this paper. Applicant respectfully requests reconsideration of the claims as currently amended and the application as a whole in view of the above-referenced amendments and the following remarks.

**Rejection of Claims Under 35 U.S.C. § 102**

Claims 31–33 and 40–44 were rejected in the just prior Office Action as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,877,030 to Beck. Applicants respectfully submit that at least amended independent Claims 31 and 40 are in condition for allowance over the cited reference because the cited reference fails to teach or suggest all the limitations of amended Claims 31 and 40, as explained further below.

**Beck**

Beck describes a “[d]evice for widening blood vessels having a catheter (5) in whose front end area an elongate, inflatable balloon (6) is present, with the outside of the uninflated balloon (6) being wound round with a woven material (1) of such a length that its end edges (2), provided with a border, overlap. After introduction into the vessel and widening, the woven material serves as a vessel prosthesis.” (Beck, Abstract.)

As illustrated in Figures 5 and 6, reproduced for reference here, the prosthesis device is shown about a balloon that is not inflated (Figure 5), and then about a balloon that is fully expanded (Figure 6). *Beck*, though, does not teach or show that the balloon, in the deployed state, is maintained in a predetermined shape, at least in part, by an anchor element extending along a surface of the balloon, as is explained further below.



Fig. 5



Fig. 6

Claims 31-33 and 38-40

Amended claim 31 is not anticipated by *Beck* because that reference fails to disclose all of that claim's elements.

Independent claim 31, as now amended requires a balloon with a contracted state and a deployed state in which the balloon assumes a predetermined shape:

wherein, in the deployed state, the balloon is maintained in the predetermined shape, at least in part, by an anchor element extending along a constrained portion of the surface of the balloon and limiting expansion of the balloon in the constrained portion in comparison with expansion in an unconstrained portion in which the anchor element is not present when the balloon changes from its contracted to its deployed state.

As stated in a prior response, in some embodiments, the anchor element, by extending along a surface of the balloon, limits expansion of the balloon where the anchor element is

positioned or located while other portions of the balloon are free to expand. In some embodiments, this can create a curvature in the balloon along a long axis of the balloon. This is one way that the claimed anchor element can help maintain the balloon in the predetermined shape. While this may be accomplished in various ways, one embodiment of this configuration is illustrated in

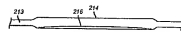


Fig. 45A

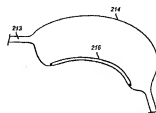


Fig. 45B

Figures 45A and 45B, reproduced for reference here.

*Beck* neither teaches nor suggests a balloon in which this kind of differential expansion is provided by an anchor present in only a portion of the balloon. Accordingly, Applicants respectfully request withdrawal of the § 102(b) rejection of Claim 31.

Claims 32, 33, and 38-40 depend from claim 31 and are thus patentable over *Beck* for at least the same reason as that described just above in connection with claim 31. Claim 32, moreover, requires that the balloon “assumes a curved shape in the deployed state.” Claim 38, for its part, requires that “when the balloon is in the deployed state, the anchor element is curved along the surface of the balloon.” The additional elements are likewise not present in *Beck*, and provide additional reasons for these particular claims being patentably distinct over the cited reference.

#### Claims 40-44

The second of the two independent claims – claim 40 – is patentable over *Beck* for reasons generally analogous to those described above in connection with the first independent claim 31. Claim 40, as now amended, requires a balloon having a contracted shape, and a deployed state in which the balloon assumes a predetermined shape. The claim further requires

an elongate member that is plastically deformed as the balloon moves between its contracted and deployed states. As with claim 31, claim 40 now requires that:

in the deployed state, the balloon is maintained in the predetermined shape, at least in part, by an anchor element extending along a constrained portion of the surface of the balloon that restrains expansion of the balloon in the constrained portion in comparison with expansion in an unconstrained portion of the balloon in which the anchor element is not present.

As is noted above in connection with claim 31, in some embodiments the anchor element, by extending along a surface of the balloon, restrains expansion of the balloon where the anchor element is positioned or located while other portions of the balloon are free to expand. This is one way the balloon can have a predetermined shape and the anchor element can help maintain the balloon in the predetermined shape. These features are not present in *Beck's* device, and thereby render claim 40 patentable over that reference.

Dependent claim 41, moreover, requires in addition that “the balloon comprises a curved shape in the deployed state.” Claim 43 requires that “when the balloon is in the deployed state, the anchor element is curved along the surface of the balloon.”

### **CONCLUSION**


Applicant respectfully submits that claims 31-33, and 38-44 are now in condition for allowance and the prompt reexamination, reconsideration, and allowance of those claims and the application as a whole are now respectfully requested.

If the Examiner believes that a telephone conference with the undersigned attorney might in any way serve to advance prosecution of this application, the Examiner is cordially invited to telephone the undersigned at the Irvine, California telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1225 (PVI-5703A) and please credit any excess fees to such deposit account.

Respectfully submitted,

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